



Patent
Attorney's Docket No. 033364-280

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAILSTOP: REISSUE**
Patrick L. AHL et al.)
Application No.: 09/398,934 (Reissue of) Group Art Unit: 1615
U.S. Patent No. 5,662,930)) Examiner: G. S. Kishore
Filed: September 1, 1999)) Confirmation No.: 1677
For: REDUCTION OF LIPOSOME-)
INDUCED ADVERSE)
PHYSIOLOGICAL REACTIONS)

PETITION TO RESET A PERIOD FOR REPLY DUE TO
LATE RECEIPT OF AN OFFICE COMMUNICATION
PURSUANT TO M.P.E.P. § 710.06

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

In connection with the above-identified application, Applicants request that the period for response set forth in the *Ex parte Quayle* Office Action, mailed February 26, 2003, be reset to begin on, **May 1, 2003**, the date that Applicants' representatives received a copy of the *Ex parte Quayle* Office Action.

Applicants' representatives did not receive a copy of the *Ex parte Quayle* Office Action upon mailing by the U.S. Patent & Trademark Office. In support of this, Applicants submit herewith documentation showing that the mailing was not received. Applicants submit herewith a copy of the fax cover sheet to Applicants' representative, Jennifer Topmiller at Burns, Doane, Swecker, and Mathis LLP dated May 1, 2003 (see fax header) accompanied by the *Ex parte Quayle* Office Action mailed February 26, 2003, for

the above-identified application. Applicants point out that the *Ex parte Quayle* Office Action was sent to the incorrect correspondence address. The *Ex parte Quayle* Office Action was sent to Venable, Baetjer, Howard, and Civiletti, LLP, the previous firm representing Applicants, rather than Teresa Stanek Rea at Burns, Doane, Swecker, and Mathis LLP.

Furthermore, the previous Office Action (copy of cover sheet enclosed) mailed April 25, 2002, was sent to the correct address. A Notice Regarding Power of Attorney (copy enclosed) was previously issued by the U.S. Patent & Trademark Office on September 19, 2001, acknowledging that correspondence would be sent to Burns, Doane, Swecker, and Mathis, LLP. Applicants therefore submit that the U.S. Patent & Trademark Office erred by sending the *Ex parte Quayle* Office Action to the incorrect address. Jennifer Topmiller contacted Examiner Kishore to check upon the status of the application on April 28, 2003, and was informed that an *Ex parte Quayle* Office Action had been issued. Examiner Kishore faxed the *Ex parte Quayle* Office Action to Burns, Doane, Swecker, and Mathis, LLP on May 1, 2003. Therefore, Applicants submit that the period for response should be reset to begin on May 1, 2003.

As required by M.P.E.P. § 710.06, this petition is being submitted:

- (a) within two weeks of the date of receipt of the delayed correspondence from the U.S. Patent & Trademark Office;
- (b) because a substantial portion of the period for response had elapsed by the date of receipt (over two months have passed and extensions of time are now required for response); and

(c) with (1) the appropriate evidence showing the date of receipt of the correspondence at the correspondence address and (2) an explanation as to how the evidence presented establishes the date of receipt of the correspondence at the correspondence address (both discussed above).

As no fee is set forth in M.P.E.P. § 710.06, no additional fees are believed due by this paper. However, should the Commission deem a fee necessary, Applicants' undersigned representative hereby authorizes the charge of the necessary fee (or credit any overpayment) to Deposit Account No. 02-4800.

This paper is submitted in duplicate.

If there are any questions concerning this petition or the application in general, the Commissioner is requested to contact Applicants' undersigned representative so that prosecution of the application is expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Date: May 9, 2003